

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>LOUIS FASULLO,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 07-146-MJR</b>
	)	
<b>PEOPLE OF THE UNITED STATES,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

Before the Court is Plaintiff's motion for extension of time to file and to set aside judgment (Doc. 9); his motion for hearing and to appoint counsel (Docs. 11 and 13); and his motion for summary judgment (Doc. 12).

By prior Order, this Court dismissed the instant complaint, because Plaintiff failed to pay the full \$350 filing fee as directed by the Court. *See* (Docs. 7 and 8). Plaintiff did not seek leave to proceed *in forma pauperis* or file an appropriate application to proceed *in forma pauperis*. In any event, Plaintiff is unable to proceed *in forma pauperis* because has had three or more prior prisoner actions dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Fasullo v. People of the United States*, Case No. 06-835-MJR (S.D. Illinois, dismissed as frivolous March 26, 2007); *Fasullo v. Burns*, Case No. 06-836-GPM (S.D. Illinois, dismissed for failure to state a claim April 20, 2007); *Fasullo v. Fasullo*, Case No. 07-100-MJR (S.D. Illinois, dismissed as frivolous February 14, 2007); and *Fasullo v. People of the United States*, Case No. 07-116-MJR (S.D. Illinois, dismissed as frivolous March 26, 2007). The allegations in the instant complaint do not show that Plaintiff is under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g).

Based on the foregoing, Plaintiff's motion for an extension of time and to set aside judgment (Doc. 9) is **DENIED**; his motion for hearing and to appoint counsel (Docs. 11 and 13) are **DENIED**; and his motion for summary judgment (Doc. 12) is **DENIED**.

**IT IS SO ORDERED.**

**DATED this 13 day of December, 2007.**

**s/ Michael J. Reagan**  
**MICHAEL J. REAGAN**  
**United States District Judge**